IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1939 of 2005

Between:

G. Venkateswarlu, S/o Pitchaiah,

Occu: Agriculture, Mundlapadu village,

Penuganchiprolu Mandal, Krishna District.

….. PETITIONER

AND

1. The Mandal Revenue Officer, Penugranchiprolu Mandal,

Krishna District.

2. The Mandal Education Officer, O/o Mandal Development Officer,

Penuganchirpolu Mandal, Krishna District.

3. B. Venkataramudu, S/o not known, Mandal Revenue Officer,

O/o Mandal Revenue Office, Penuganchiprolu Village & Mandal,

Krishna District.

4. Smt. Gorrepati Jyothy, W/o G. Prasada Rao, Mundlapadu village,

Penuganchiprolu Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to pass an order or writ, more preferably a writ one in the nature of Writ of Certiorari to set aside the order passed by the first respondent Mandal Revenue Officer, dated

28.01.2005, vide proceedings No.RCA-52/2004 is being illegal and arbitrary and consequently direct the respondents to continue the petitioner as an agent to implement mid-day Meal Scheme at Mandal Praja Parishad primary school, Harijanwada, Mundlapadu Village, Penuganchiprolu Mandal, Krishna District.

Counsel for the Petitioner: MR.P.SRINIVAS REDDY

Counsel for the Respondent No.1 & 2: GP FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed questioning the order dated 28.01.2005 passed by the Mandal Revenue Officer, Penuganchiprolu Mandal, Krishna District appointing the fourth respondent herein as Agent to implement the Mid-day Meals Scheme. The petitioner states that when the Scheme was introduced in the year 2003, he was entrusted with the said work in the Gram Sabha conducted by the Mandal Revenue Officer and Mandal Development Officer and since 1-1-2003 he has been continuing as an Agent and without canceling his appointment, the first respondent has erroneously appointed the fourth respondent under the impugned order dated 28.01.2005.

However, the learned Government Pleader for Revenue contends that against the impugned order an appeal lies to the Joint Collector, who is the over all supervising authority under the Mid-day Meal Scheme and without exhausting the said alternative remedy, the petitioner cannot maintain this writ petition.

In the circumstances, without expressing any opinion on merits, the writ petition is disposed of granting leave and liberty to the petitioner to work out the remedy of Appeal before the Joint Collector. If the petitioner prefers any appeal within a period of two weeks from today, the same shall be considered by the Joint Collector and appropriate orders be passed in accordance with law.

Accordingly, the writ petition is disposed of at the admission stage. No costs.

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(G. ROHINI, J)

Date: 08.02.2005.

Note: Issue C.C. in two days. B.O./Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer, Penugranchiprolu Mandal,

Krishna District.

2. The Mandal Education Officer, O/o Mandal Development Officer,

Penuganchirpolu Mandal, Krishna District.

3. Two C. Cs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two C.D. Copies.

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